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Chief Clerk of the House

FILED MAR 09 2001

By



H.B. No. 3355

A BILL TO BE ENTITLED

AN ACT

relating to water quality management plans for agricultural facilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 201.026, Agriculture Code, is amended to read as follows:

Sec. 201.026. NONPOINT SOURCE POLLUTION. (a) The state board is the lead agency in this state for activity relating to abating agricultural and silvicultural nonpoint source pollution. The state board shall plan, implement, and manage programs and practices for abating agricultural and silvicultural nonpoint source pollution. Other state agencies with responsibility for abating agricultural and silvicultural nonpoint source pollution shall coordinate any abatement programs and activities with the state board.

(b) The state board shall represent the state before the federal Environmental Protection Agency or other federal agencies on a matter relating to agricultural or silvicultural nonpoint source pollution. Nothing herein shall impair the ability of the General Land Office to represent the state before any federal agency in matters relating to the state's participation in the federal coastal zone management program. Nothing herein shall impair the ability of the Texas Natural Resource Conservation Commission to represent the state before any federal agency in

1 matters relating to the state's overall participation in the
2 Federal Water Pollution Control Act (33 U.S.C. Section 1251 et
3 seq.).

4 (c) In an area that the state board identifies as having or
5 having the potential to develop agricultural or silvicultural
6 nonpoint source water quality problems or an area within the
7 "coastal zone" designated by the Coastal Coordination Council, the
8 state board shall establish a water quality management plan
9 certification program that provides, through local soil and water
10 conservation districts, for the development, supervision, and
11 monitoring of individual water quality management plans for
12 agricultural and silvicultural lands. Each plan must be developed,
13 maintained, and implemented under rules and criteria adopted by the
14 state board and comply with state water quality standards
15 established by the Texas Natural Resource Conservation Commission.
16 A plan that covers agricultural land on which animal carcasses will
17 be disposed of by burial shall include provisions for siting
18 criteria and appropriate management practices for the disposal of
19 animal carcasses. The state board shall certify a plan that
20 satisfies the state board's rules and criteria and complies with
21 state water quality standards established by the Texas Natural
22 Resource Conservation Commission. The Texas Natural Resource
23 Conservation Commission has the sole and exclusive authority to set
24 water quality standards for all water in the state. For a water
25 quality management plan that includes provisions for the disposal
26 of animal carcasses, the plan shall identify suitable locations for
27 disposal based on site-specific factors including land use, soil

1 conditions, or proximity to groundwater or surface water supplies.
2 A location of any suitable disposal area shall be determined in a
3 manner prescribed by the state board. Property that is the subject
4 of and compliant with the provisions of a certified water quality
5 management plan under this section is exempt from any deed
6 recordation requirements in state law or regulation related to the
7 disposal or management of industrial solid waste.

8 (d) The state board may develop and certify a water quality
9 management plan under this section for any agricultural or
10 silvicultural land at the request of the landowner.

11 (e) [(d)] Complaints concerning a violation of a water
12 quality management plan or a violation of a law or rule relating to
13 agricultural or silvicultural nonpoint source pollution under the
14 jurisdiction of the state board shall be referred to the state
15 board. The state board, in cooperation with the local soil and
16 water conservation district, shall investigate the complaint. On
17 completion of the investigation, the state board, in consultation
18 with the soil and water conservation district, either shall
19 determine that further action is not warranted or shall develop and
20 implement a corrective action plan to address the complaint. If
21 the person about whom the complaint has been made fails or refuses
22 to take corrective action, the state board shall refer the
23 complaint to the Texas Natural Resource Conservation Commission.

24 SECTION 2. This Act takes effect immediately if it receives
25 a vote of two-thirds of the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

BILL ANALYSIS

Office of House Bill Analysis

H.B. 3355
By: McReynolds
Natural Resources
4/4/2001
Introduced

BACKGROUND AND PURPOSE

Many agricultural producers currently operate with a water quality management plan (plan) created by the State Soil and Water Conservation Board (board) to assist in protecting and preserving water supplies. Under current law, a person without a plan who intends to bury agricultural waste must follow the Texas Natural Resource Conservation Commission (TNRCC) guidelines for burial, including notifying TNRCC before each burial and deed recordation of property for each burial. House Bill 3355 requires the board to develop criteria for the proper burial of animal carcasses in plans for agricultural facilities.

RULEMAKING AUTHORITY

It is the opinion of the Office of House Bill Analysis that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 3355 amends the Agriculture Code to require a water quality management plan (plan) that covers agricultural land on which animal carcasses will be disposed of by burial to include provisions for siting criteria and appropriate management practices for the disposal of animal carcasses. If a water quality management plan includes provisions for the disposal of animal carcasses, the bill requires the plan to identify suitable locations for disposal based on site-specific factors including land use, soil conditions, or proximity to groundwater or surface water supplies.

The bill requires the location of any suitable disposal area to be determined in a manner prescribed by the State Soil and Water Conservation Board (board). The bill exempts property that is the subject of and compliant with the provisions of a certified plan from any deed recordation requirements in state law or regulation related to the disposal or management of industrial solid waste. The bill authorizes the board to develop and certify a plan for any agricultural or silvicultural land at the request of the landowner.

EFFECTIVE DATE

On passage, or if the Act does not receive the necessary vote, the Act takes effect September 1, 2001.

HOUSE COMMITTEE REPORT

01 APR 12 PM 1:11
JAT

1st Printing

By McReynolds

H.B. No. 3355

Substitute the following for H.B. No. 3355:

By Counts

C.S.H.B. No. 3355

A BILL TO BE ENTITLED

AN ACT

relating to water quality management plans for agricultural and silvicultural facilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 201.026, Agriculture Code, is amended by adding Subsections (e), (f), and (g) to read as follows:

(e) At the request of the landowner, the state board may develop and certify a water quality management plan for any agricultural or silvicultural land in the state.

(f) A water quality management plan developed under this section that covers land on which animal carcasses will be buried must include:

(1) disposal management practices for the carcasses, including a requirement that poultry carcasses may be buried on site only in the event of a major die-off that exceeds the capacity of a poultry facility to handle and dispose of poultry carcasses by the normal means used by the facility; and

(2) burial site requirements that identify suitable locations for burial based on site-specific factors including:

(A) land use;
(B) soil conditions; and
(C) proximity to groundwater or surface water supplies.

(g) The commission may not require a landowner who requests

C.S.H.B. No. 3355

1 and complies with a water quality management plan under Subsection
2 (f) to record the burial of animal carcasses in the county deed
3 records.

4 SECTION 2. This Act takes effect September 1, 2001.

COMMITTEE REPORT

The Honorable James E. "Pete" Laney
Speaker of the House of Representatives

4/4/01
(date)

Sir:
We, your COMMITTEE ON NATURAL RESOURCES
to whom was referred HB 3355 have had the same under consideration and beg to report
back with the recommendation that it

- ☐ do pass, without amendment.
- ☐ do pass, with amendment(s).
- ☒ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
- ☒ yes ☐ no A fiscal note was requested.
- ☐ yes ☒ no A criminal justice policy impact statement was requested.
- ☐ yes ☒ no An equalized educational funding impact statement was requested.
- ☐ yes ☒ no An actuarial analysis was requested.
- ☐ yes ☒ no A water development policy impact statement was requested.
- ☐ yes ☒ no A tax equity note was requested.
- ☒ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

Joint Sponsors: _____ / _____ / _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Counts, Chair	✓			
King, Vice-Chair	✓			
Cook	✓			
Corte	✓			
Hilderbran	✓			
Hope	✓			
Lewis, R.	✓			
Puente				✓
Walker	✓			

Total 8 aye
 0 nay
 0 present, not voting
 1 absent

David Sautz
CHAIR

BILL ANALYSIS

Office of House Bill Analysis

C.S.H.B. 3355

By: McReynolds

Natural Resources

4/10/2001

Committee Report (Substituted)

BACKGROUND AND PURPOSE

Many agricultural producers currently operate with a water quality management plan (plan) created by the State Soil and Water Conservation Board (board) to assist in protecting and preserving water supplies. Under current law, a person without a plan who intends to bury agricultural waste must follow the Texas Natural Resource Conservation Commission (TNRCC) guidelines for burial, including notifying TNRCC before each burial and deed recordation of property for each burial. C.S.H.B. 3355 authorizes the State Soil and Water Conservation Board to develop and certify a water quality management plan at the request of a landowner and sets forth provisions regarding the contents of the plan.

RULEMAKING AUTHORITY

It is the opinion of the Office of House Bill Analysis that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3355 amends the Agriculture Code to authorize the State Soil and Water Conservation Board to develop and certify a water quality management plan (plan) for any agricultural or silvicultural land at the request of the landowner. The bill provides that a plan that covers land on which animal carcasses will be buried must include disposal management practices for the carcasses, including a requirement that poultry carcasses may be buried on site only in the event of a major die-off that exceeds the capacity of a poultry facility to handle and dispose of poultry carcasses by the normal means used by the facility. The bill also provides that the plan must include burial site requirements that identify suitable locations for burial based on site-specific factors including land use, soil conditions, and proximity to groundwater or surface water supplies. The bill prohibits the Texas Natural Resource Conservation Commission from requiring a landowner who requests and complies with a plan to record the burial of animal carcasses in the county deed records.

EFFECTIVE DATE

September 1, 2001.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 3355 modifies the original bill by prohibiting the Texas Natural Resource Conservation Commission from requiring a landowner who complies with a water quality management plan (plan) to record the burial of carcasses in the county deed records, rather than exempting the landowner's property from deed recordation requirements. The substitute also removes the provision in the original bill exempting a compliant landowner's property from regulation related to the disposal or management of industrial solid waste.

The substitute removes the provision in the original bill which required a plan that covers agricultural land on which animal carcasses will be disposed of by burial to include provisions for siting criteria and

appropriate management practices for the disposal of carcasses. The substitute removes the provision in the original bill which required a location of a suitable disposal area to be determined in a manner prescribed by the State Soil and Water Conservation Board.

C.S.H.B. 3355 adds provisions regarding the contents of a plan that covers land on which animal carcasses will be buried. The substitute modifies the original bill by providing that the effective date of the bill is September 1, 2001, rather than on passage, or if the Act does not receive the necessary vote, the Act takes effect September 1, 2001.

SUMMARY OF COMMITTEE ACTION

HB 3355

April 4, 2001 3:00PM or upon final adjourn./recess

Considered in public hearing

Testimony taken in committee (Legislator(s) only.)

Committee substitute considered in committee

Recommended to be sent to Local & Consent

Reported favorably as substituted

3

1

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 77th Regular Session

April 9, 2001

TO: Honorable David Counts, Chair, House Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB3355 by McReynolds (Relating to water quality management plans for agricultural and silvicultural facilities.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 305 General Land Office, 580 Texas Water Development Board, 582
Texas Natural Resource Conservation Commission, 592 State Soil & Water
Conservation Board

LBB Staff: JK, CL, TL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 77th Regular Session

April 3, 2001

TO: Honorable David Counts, Chair, House Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: **HB3355** by McReynolds (Relating to water quality management plans for agricultural facilities.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 592 State Soil & Water Conservation Board, 582 Texas Natural Resource Conservation Commission, 580 Texas Water Development Board, 305 General Land Office
LBB Staff: JK, CL, TL

ADOPTED

APR 27 2011

Sharon Carter
Chief Clerk
House of Representatives

By Jim McReynolds

H.B. No. 3355

Substitute the following for H.B. No. 3355:

By Counts

C.S. H.B. No. 3355

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(f) A water quality management plan developed under this section that covers land on which animal carcasses will be buried must include:

(1) disposal management practices for the carcasses, including a requirement that poultry carcasses may be buried on site only in the event of a major die-off that exceeds the capacity of a poultry facility to handle and dispose of poultry carcasses by the normal means used by the facility; and

(2) burial site requirements that identify suitable locations for burial based on site-specific factors including:

(A) land use;

(B) soil conditions; and

(C) proximity to groundwater or surface water supplies.

(g) The commission may not require a landowner who requests

1 and complies with a water quality management plan under Subsection
2 (f) to record the burial of animal carcasses in the county deed
3 records.

4 SECTION 2. This Act takes effect September 1, 2001.

HOUSE ENGROSSMENT

By McReynolds

F
H.B. No. 3355

A BILL TO BE ENTITLED

AN ACT

relating to water quality management plans for agricultural and silvicultural facilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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(1) disposal management practices for the carcasses, including a requirement that poultry carcasses may be buried on site only in the event of a major die-off that exceeds the capacity of a poultry facility to handle and dispose of poultry carcasses by the normal means used by the facility; and

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H.B. No. 3355

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Austin, Texas

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April 9, 2001

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No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 305 General Land Office, 580 Texas Water Development Board, 582
Texas Natural Resource Conservation Commission, 592 State Soil & Water
Conservation Board
LBB Staff: JK, CL, TL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 77th Regular Session

April 3, 2001

TO: Honorable David Counts, Chair, House Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: **HB3355** by McReynolds (Relating to water quality management plans for agricultural facilities.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

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Source Agencies: 592 State Soil & Water Conservation Board, 582 Texas Natural Resource Conservation Commission, 580 Texas Water Development Board, 305 General Land Office
LBB Staff: JK, CL, TL

1-1 By: McReynolds (Senate Sponsor - Staples) H.B. No. 3355
1-2 (In the Senate - Received from the House April 30, 2001;
1-3 May 1, 2001, read first time and referred to Committee on Natural
1-4 Resources; May 4, 2001, reported favorably by the following vote:
1-5 Yeas 6, Nays 0; May 4, 2001, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to water quality management plans for agricultural and
1-9 silvicultural facilities.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 201.026, Agriculture Code, is amended by
1-12 adding Subsections (e), (f), and (g) to read as follows:

1-13 (e) At the request of the landowner, the state board may
1-14 develop and certify a water quality management plan for any
1-15 agricultural or silvicultural land in the state.

1-16 (f) A water quality management plan developed under this
1-17 section that covers land on which animal carcasses will be buried
1-18 must include:

1-19 (1) disposal management practices for the carcasses,
1-20 including a requirement that poultry carcasses may be buried on
1-21 site only in the event of a major die-off that exceeds the capacity
1-22 of a poultry facility to handle and dispose of poultry carcasses by
1-23 the normal means used by the facility; and

1-24 (2) burial site requirements that identify suitable
1-25 locations for burial based on site-specific factors including:

1-26 (A) land use;

1-27 (B) soil conditions; and

1-28 (C) proximity to groundwater or surface water
1-29 supplies.

1-30 (g) The commission may not require a landowner who requests
1-31 and complies with a water quality management plan under Subsection
1-32 (f) to record the burial of animal carcasses in the county deed
1-33 records.

1-34 SECTION 2. This Act takes effect September 1, 2001.

1-35 * * * * *

FAVORABLE
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 3355
By Staples
(Author/Senate Sponsor)
5/4/01
(date)

We, your Committee on NATURAL RESOURCES, to which was referred the attached measure,
have on 05/01/01, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

☒ do pass and be printed

☐ do pass and be ordered not printed

☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Brown, Chairman	<input checked="" type="checkbox"/>			
Senator Duncan, Vice-Chairman			<input checked="" type="checkbox"/>	
Senator Barrientos	<input checked="" type="checkbox"/>			
Senator Bernsen	<input checked="" type="checkbox"/>			
Senator Bivins	<input checked="" type="checkbox"/>			
Senator Haywood	<input checked="" type="checkbox"/>			
Senator Lucio	<input checked="" type="checkbox"/>			
TOTAL VOTES	6	0	1	0

COMMITTEE ACTION

☒ S260 Considered in public hearing

☐ S270 Testimony taken

Carol Kigana
COMMITTEE CLERK

Michael M. Mauer
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill
Retain one copy of this form for Committee files

BILL ANALYSIS

Senate Research Center
77R10713 JAT-F

H.B. 3355
By: McReynolds (Staples)
Natural Resources
5/1/2001
Engrossed

DIGEST AND PURPOSE

Many agricultural producers currently operate with a water quality management plan (plan) created by the State Soil and Water Conservation Board (board) to assist in protecting and preserving water supplies. Under current law, a person without a plan who intends to bury agricultural waste must follow the Texas Natural Resource Conservation Commission (TNRCC) guidelines for burial, including notifying TNRCC before each burial and deed recordation of property for each burial. H.B. 3355 authorizes the State Soil and Water Conservation Board to develop and certify a water quality management plan at the request of a landowner and sets forth provisions regarding the contents of the plan.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 201.026, Agriculture Code, by adding Subsections (e), (f), and (g), as follows:

(e) Authorizes the State Soil and Water Conservation Board, at the request of the landowner, to develop and certify a water quality management plan for any agricultural or silvicultural land in the state.

(f) Requires a water quality management plan developed under this section that covers land on which animal carcasses will be buried to meet certain requirements.

(g) Prohibits the Texas Natural Resource Conservation Commission (commission) from requiring a landowner who requests and complies with a water quality management plan under Subsection (f) to record the burial of animal carcasses in the county deed records.

SECTION 2. Effective date: September 1, 2001.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 77th Regular Session

May 1, 2001

TO: Honorable J.E. "Buster" Brown, Chair, Senate Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: **HB3355** by McReynolds (Relating to water quality management plans for agricultural and silvicultural facilities.), As **Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 305 General Land Office, 580 Texas Water Development Board, 582
Texas Natural Resource Conservation Commission, 592 State Soil & Water
Conservation Board

LBB Staff: JK, CL, TL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 77th Regular Session

April 9, 2001

TO: Honorable David Counts, Chair, House Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: **HB3355** by McReynolds (Relating to water quality management plans for agricultural and silvicultural facilities.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 305 General Land Office, 580 Texas Water Development Board, 582
Texas Natural Resource Conservation Commission, 592 State Soil & Water
Conservation Board

LBB Staff: JK, CL, TL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 77th Regular Session

April 3, 2001

TO: Honorable David Counts, Chair, House Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: **HB3355** by McReynolds (Relating to water quality management plans for agricultural facilities.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 592 State Soil & Water Conservation Board, 582 Texas Natural Resource Conservation Commission, 580 Texas Water Development Board, 305 General Land Office

LBB Staff: JK, CL, TL

REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR DAVID CAIN, CHAIRMAN
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that HB3355, by Staples,
(Bill No.) (Author/Sponsor)
was heard by the Committee on Natural Resources on 05/01, 2001,
and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

Carol K. Nigam
(Clerk of the reporting committee)

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A COMMITTEE PRINTED VERSION OF THE BILL OR RESOLUTION AND SHOULD BE DELIVERED TO THE ADMINISTRATION COMMITTEE OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS AND RESOLUTIONS WILL BE ANNOUNCED ON A REGULAR BASIS.

ENROLLED

H.B. No. 3355

AN ACT

relating to water quality management plans for agricultural and silvicultural facilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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(e) At the request of the landowner, the state board may develop and certify a water quality management plan for any agricultural or silvicultural land in the state.

(f) A water quality management plan developed under this section that covers land on which animal carcasses will be buried must include:

(1) disposal management practices for the carcasses, including a requirement that poultry carcasses may be buried on site only in the event of a major die-off that exceeds the capacity of a poultry facility to handle and dispose of poultry carcasses by the normal means used by the facility; and

(2) burial site requirements that identify suitable locations for burial based on site-specific factors including:

(A) land use;

(B) soil conditions; and

(C) proximity to groundwater or surface water supplies.

(g) The commission may not require a landowner who requests

H.B. No. 3355

1 and complies with a water quality management plan under Subsection
2 (f) to record the burial of animal carcasses in the county deed
3 records.

4 SECTION 2. This Act takes effect September 1, 2001.

H.B. No. 3355

President of the Senate

Speaker of the House

I certify that H.B. No. 3355 was passed by the House on April 27, 2001, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 3355 was passed by the Senate on May 23, 2001, by a viva-voce vote.

Secretary of the Senate

APPROVED:

Date

Governor

President of the Senate

Speaker of the House

I certify that H.B. No. 3355[✓] was passed by the House
(1)
on April 27[✓], 2001, by a non-record vote.
(2)

Chief Clerk of the House

I certify that H.B. No. 3355[✓] was passed by the Senate
on May 23[✓], 2001, by a viva-voce vote.
(3)

Secretary of the Senate

APPROVED:

Date

Governor

**** Preparation: CT25;

BILL ANALYSIS

Office of House Bill Analysis

H.B. 3355
By: McReynolds
Natural Resources
7/20/2001
Enrolled

BACKGROUND AND PURPOSE

Many agricultural producers currently operate with a water quality management plan (plan) created by the State Soil and Water Conservation Board (board) to assist in protecting and preserving water supplies. Prior to the 77th Legislature, a person without a plan who intended to bury agricultural waste followed the Texas Natural Resource Conservation Commission (TNRCC) guidelines for burial, including notifying TNRCC before each burial and deed recordation of property for each burial. House Bill 3355 authorizes the State Soil and Water Conservation Board to develop and certify a water quality management plan at the request of a landowner and sets forth provisions regarding the contents of the plan.

RULEMAKING AUTHORITY

It is the opinion of the Office of House Bill Analysis that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 3355 amends the Agriculture Code to authorize the State Soil and Water Conservation Board to develop and certify a water quality management plan (plan) for any agricultural or silvicultural land at the request of the landowner. The bill provides that a plan that covers land on which animal carcasses will be buried must include disposal management practices for the carcasses, including a requirement that poultry carcasses may be buried on site only in the event of a major die-off that exceeds the capacity of a poultry facility to handle and dispose of poultry carcasses by the normal means used by the facility. The bill also provides that the plan must include burial site requirements that identify suitable locations for burial based on site-specific factors including land use, soil conditions, and proximity to groundwater or surface water supplies. The bill prohibits the Texas Natural Resource Conservation Commission from requiring a landowner who requests and complies with a plan to record the burial of animal carcasses in the county deed records.

EFFECTIVE DATE

September 1, 2001.

H.B. No. 3355

A BILL TO BE ENTITLED
AN ACT

By *Janet Reynolds*

Relating to water quality management plans for agricultural facilities.

MAR 09 2001 Filed with the Chief Clerk

MAR 15 2001 Read first time and referred to Committee on Natural Resources

APR - 4 2001 Reported favorably (~~unanimously~~)
(as substituted)

APR 16 2001 Sent to Committee on (~~Calendar~~)
(Local & Consent Calendars)

APR 27 2001 Read second time (comm. subst.) (~~amended~~); passed to third reading (~~failed~~) by a (non-record vote)
(record vote of yeas, nays, present, not voting)

APR 27 2001 Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of yeas, nays, present, not voting

APR 27 2001 Read third time (~~amended~~); finally passed (~~failed to pass~~) by a (non-record vote)
(record vote of yeas, nays, present, not voting)

APR 30 2001 Engrossed

APR 30 2001 Sent to Senate

Sharon Carter
CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

APR 30 2001 Received from the House

MAY 01 2001 Read and referred to Committee on NATURAL RESOURCES

MAY 04 2001 Reported favorably

 Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

 Ordered not printed

 Laid before the Senate

MAY 23 2001 Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(yeas, nays)

MAY 23 2001 Read second time, , and passed to third reading by (unanimous consent)
(a viva voce vote)
(yeas, nays)

MAY 23 2001 Senate and Constitutional 3 Day Rules suspended by a vote of 30 yeas, 0 nays 1 PM

MAY 23 2001 Read third time, , and passed by (a viva voce vote)
(yeas, nays)

May 23, 2001 Returned to the House

Betty King
SECRETARY OF THE SENATE

OTHER SENATE ACTION:

MAY 23 2001

Returned from the Senate (~~as substituted~~)
(~~with amendments~~)

House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

House conferees appointed: _____, Chair; _____,

Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____

Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)

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HOUSE OF REPRESENTATIVES